

REMARKS

Summary of Applicant's Personal Interview

A personal interview was conducted by one of the applicants, Mr. James R. Satchell, Jr., and applicants' representatives, Messrs. Pavelko and Robins, with Examiner Garland on December 9, 2003. Although the substance of the interview is recorded in the Examiner Interview Summary (Paper No. 27), applicants provide the following comments.

During the aforementioned interview, applicants brought to the Examiner's attention a recent case decided *en banc* by the Board of Patent Appeals and Interferences entitled *Ex Parte Eggert*, a copy of which is attached for the Examiner's convenience.

This precedential opinion concerns the issue of recapture, which will be discussed more fully hereinbelow.

Also during the interview, a discussion was conducted as to whether the provision of information, i.e., internet received information, was a "service" which was "vended" by the machine of the cited prior art. This issue will be more discussed fully hereinbelow. Lastly, the previous Declarations submitted to show a conception of applicant's invention prior to the date of the references was discussed and the Examiner suggested that a more detailed discussion of that conception be provided in a Supplemental Declaration. Applicants provide a Supplemental Declaration, which will be discussed in more detail further hereinbelow. This concludes applicants' comments regarding the personal interview conducted on December 9, 2003.

Applicants appreciate the confirmation of allowability of claims 1-12, but respectfully request reconsideration of the rejection of claims 31-41 and 60-130.

By the foregoing amendment, two additional claims have been presented, i.e., new claims 131-132, identifying the item selected by the customer as a “drink,” which is found in the original disclosure of U.S. patent application 08/429,583, e.g., in the title of the invention as well as in the first paragraph following the “Summary of Invention” heading in the present specification. Accordingly, the foregoing amendment does not raise the issue of new matter.

Claims 114-130 stand rejected under 35 U.S.C. 251, allegedly as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based.

Notwithstanding the cases cited by the Examiner, it is believed that the precedential opinion of *Ex parte Eggart* provides an authoritative USPTO position on the issue of recapture.

Initially, applicants note that each of claims 114-130 are directed to a “method” and applicants note that no previous “method” claims, nor manipulative steps, were set forth in any of the claims originally presented or as amended during prosecution of the application which matured into the patent presently undergoing reissue.

While applicants admit that a broadening aspect is present in the reissue which was not present in the application for patent, i.e., the presence of method claims, there was no cancellation of subject matter involving manipulative steps as in presently recited method claims 114-130. The subject matter to which the Examiner comments in the rejection are directed or referred to apparatus

limitations which find no identifiable correspondence in the rejected method claims 114-130. Stated in another way, would the original (not amended) claims of U.S. patent application 08/715,232 be identical to the present method limitations of claims 114-130 in the sense so as to form the basis of a statutory double-patenting under 35 U.S.C. 101 under the standard of *In re Vogel*, 422 F.2d. 438, 164 USPQ 619 (CCPA 1970), if contained in different applications? The answer is clearly that they would not. How, then, can any amendment to apparatus claims that were not identical to the present method claims suggest a surrender of subject matter of method claims containing manipulative steps allegedly being recaptured in the present claims 114-130? The Examiner's comments as to recapture also fail to take into consideration that claim 12 of the patent was never subject to a prior art rejection, was never amended during prosecution, having been indicated allowable in the first Office Action. Recapture, as that term is understood from the authorities cited by the Examiner in support of his rejection, requires a surrender of subject matter. As claim 12 did not surrender any subject matter, there can be no, and is no, prohibition against broadening this claim as the present reissue was filed within the two year limit imposed by 35 U.S.C. 251. Such a broadening could omit any limitation of original claim 12, including the recitation that the door is for "retrofitting an existing" vending machine. Thus, there is no legal basis for prohibiting either broadening of claim 12 or submitting claims 114-130, which find no direct correspondence in any original or final claim in the 08/715,232 application. MPEP §1412.02 to which the Examiner refers applicant, supports this conclusion.

Prior to *Eggert*, the two step test for recapture enunciated by the Federal Circuit in *In re Clement*, 131 F.3d 1464, 45 USPQ 1161 (1997) requires not only that the Examiner determine whether and in what aspect the reissue claims are broader than the patent claims (Step 1), but also to determine whether the broadened aspects relate to surrendered subject matter (Step 2). Applicants respectfully submit that the Examiner, although attempting to determine the difference from the present claims and the claims of the patent, fails to appreciate that rejected claims 114-130 are directed to a different statutory class of invention and, thus, to subject matter not claimed in the original application. Furthermore, the Office Action lacks consideration of the second step, i.e., that no subject matter was surrendered with regard to either claim 12 of the patent or this unclaimed subject matter directed to the statutory class of invention known as “process” (method) and that such claims can, thus, be broadened within the two year time limit of 35 U.S.C. §251.

The absence of claims of a different statutory invention, e.g., process (method) claims is an error commonly made without deceptive intent, both by applicants and their attorneys and forms the basis for reissue applications.

In this regard, applicants again respectfully direct the Examiner’s attention to the Federal Circuit’s Decision *In Schripps Clinic and Research Foundation v. Genetek, Inc.*, 18 USPQ 2d 1001, 1009 (1991), citing *Balcorp v. The United States*, 221 USPQ 289, 296, note 28 “the purpose of the reissue statute is to avoid forfeiture of substantive rights due to error made without intent to deceive” and “the reissue statute ‘is based on fundamental property principals of equity and fairness’.”

When the statutory requirements are met, reissuance of the patent is not discretionary with the Commissioner, it is mandatory (shall) citing *In re Handle*, 136 USPQ 460, 464 (CCPA 1963).

Continuing, the *Schripps* court stated “the law does not require that no competent attorney or alert inventor could have avoided the error sought to be corrected by reissue.” The failure of the attorney to claim the invention sufficiently broadly is “one of the most common sources of defects,” citing *In re Wilder*, 222 USPQ 369 (Fed. Cir. 1984), *cert. denied*, 469 US 1209 (1985).

On the undisputed facts here, the inventors each establish that he had claimed less than he had a right to claim, that he had done so in error, and that there was no deceptive intention.

In the *Schripps* case, the reissue added a different statutory basis of claims, i.e., chemical product claims (claims 24-29), which were added to the reissue patent (See, generally, Footnote of *Schripps* at 1003 and the history of the *Schripps* related in *Schripps Clinic and Research Foundation v. Genetek, Inc.*, 3 USPQ 2d. 1481, 1484 (Northern District California 1987)).

In accord, the Examiner’s attention is directed to *C.R. Bard, Inc. v. M3 Systems, Inc.*, 48 USPQ 2d, 1225, 1234 (Fed. Cir. 1998), in which the defendant M3 Systems argued that the original patent was not amenable to correction by reissue because of the addition of claims to an article of manufacture, i.e., needles *per se*, whereas the original invention was directed to a biopsy needle firing device or “gun,” mechanically injecting a biopsy needle assembly into body tissue. Here the Court states, “for a primary purpose of the reissue statute is to enable the addition of claims to subject matter not claimed in the original patent (citing *Schripps, supra*) (emphasis added).

The defendant, M3 Systems, argued that since the needles were not claimed originally, they were not “intended” to be claimed and that absence of such intent is not an error correctable by reissue. The Court found that “that too is an incorrect statement of the law.” “An inventor’s failure to appreciate the scope of invention at the time of the original patent grant, and thus an initial intent to claim the omitted subject matter, is a remedial error” (Citations omitted).

The reissue applicants here had not presented original method claims in the application which matured into the patent undergoing reissue. They have stated through their reissue declaration that without deceptive intent, they claimed less than they had a right to claim. Clearly, they have complied with the reissue statutes and should be permitted to present and obtain allowance in the reissue application pursuant to 35 U.S.C. §251 to a statutory class of invention not originally contemplated in the original application maturing into the patent undergoing reissue.

The Board Decision in *Ex Parte Eggert*, supports this view. As stated by the Board in pages 3-4 of the attached Decision, “appellants have never conceded that a claim failing within the scope of the shaded area of Drawing 1 is unpatentable and, therefore, in our view, such subject matter is not barred by the recapture rule.” After discussing the specifics of the invention and claims as set forth in the *Eggert* applications, the Board continued at page 15

“while we appreciate the dissent’s concern for the rights of the public in relying on prosecution history to determine the scope of activities that constituted infringement of the patent claims, we also recognize that (1) the fourth paragraph of 35 U.S.C. §251 clearly places the public on notice that the scope of claims of a patent may be broadened in a reissue application applied for within two years from the grant of patent and (2) the second paragraph of 35 U.S.C. §252 provides safeguards which protect the rights and investments of persons who, prior to the grant of a reissue patent, may, purchase, offer to sell, use in the United States, import into the United

States or make substantial preparation for such activities anything patented by the reissued patent and not patented by the original patent. In other words, Congress, while permitting broadening of patent claims by reissue within two years from the grant of a patent to correct errors made by a patentee without deceptive intent, has provided for intervening rights to protect investments made by persons in reliance on the prosecution history of a patent in furtherance of activities which are not covered by the original patent claims but are covered by broadened reissue claims. In this regard, the reissue process stands apart from and in contrast to the application of the doctrine of equivalents, when intervening rights are not provided to protect the public from reliance of prosecution history estoppel in interpreting the scope of the patent claim.”

Therefore, applicants respectfully submit that having complied with the reissue statute in stating that they had claimed less than they had a right to claim, without deceptive intent, and that there is no prosecution history estoppel that any manipulative steps of method claims 114-130 were surrendered, they are entitled to “broaden” the claimed subject matter in the form of the present method claims and the previous narrowing of apparatus claims 1-11 in no way precludes the issuance of method claims 114-130 under the doctrine of reissue recapture.

For the foregoing reasons, withdrawal of the rejection of claims 114-130 under 35 U.S.C. §251 is respectfully requested.

Applicants confirm the Examiner’s understanding in paragraph 6 of the Office Action that in considering patentability of the claims under 35 U.S.C. §103(a), the Examiner is right in presuming that the subject matter of the various claims was commonly owned or under a duty to commonly assign at the time the invention covered therein were made.

Reconsideration of the prior art rejection of claims 31-41, 60-64, 66, 68, 69, 71-108, 110-112 and 114-131 under 35 U.S.C. §103(a) as being unpatentable over Bradt et al (U.S. Patent 4,839,505) in view of Sokal et al (U.S. Patent 5,953,504) is respectfully requested.

Applicants do not dispute that vending machines, *per se*, were known prior to their invention.

What is missing, however, in all the prior art vending machines, such as the cited Bradt et al, is that there was not teaching nor suggestion to provide a customer with internet access through the door of the vending machine as in claims 31-41, 60-64, 66, 68, 69, 71-108 and 110-112, nor even to permit customers of the vending machine access to the internet as in method claims 114-130.

The cited Sokal et al disclosure does not correct this deficiency in the vending machine art because Sokal et al is directed to a public accessible terminal for access to the internet such as that shown in Fig. 2, which includes an individual terminal located at separate spaced locations wherein at least some of locations are accessible to the public.

However, like Bradt, the stand-alone terminal of Sokal et al does not illustrate a vending machine door which has been retrofitted to the Sokal et al terminal. Furthermore, Sokal et al contains no teaching of dispensing an article selected by the customer through a door, which door also has an access portal to provide a customer with internet access.

If one were to basically combine the teachings of Sokal et al with that of Bradt et al, there is no teaching or suggestion to replace the Bradt et al door with a retrofitted vending machine door having the recited capabilities as set forth in the instant claims.

In this regard, applicants remind the Examiner that each of claims 31-41, 60-64, 66, 68, 69, 71-108 and 110-112 are directed to a door for retrofitting an existing vending machine or a vending machine comprising such a door. Therefore, the proposed combination of Bradt and Sokal would not teach or suggest to one skilled in the art, at the time the invention was made, the claimed invention.

Specifically, Sokal does not illustrate any of his internet access activities as being in a “door” of his stand-alone terminals (Fig. 2). In fact, at best, the Examiner’s proposed combination would be to integrate the stand-alone terminal (Fig. 2) of Sokal et al with a conventional vending machine as in Bradt et al, but would not teach one skilled in the art to further modify the door of the vending machine of Bradt et al so as to accommodate the access portal to the internet on said door as in independent claim 31. Although the Examiner suggests (page 7, first paragraph) that it would “have been obvious to one of ordinary skill in the art to modify Bradt in view of Sokal and modify the vending machine and its door to allow the internet access function taught by Sokal” such as merely a naked conclusionary statement because there is nothing in Sokal et al to show any door, let alone a door having internet access functions. Applicants reiterate that there is nothing in the cited prior art that would have motivated one skilled in the art at the time the invention was made to combine internet functions of Sokal into a vending machine as in Bradt, but even assuming *arguendo* that such motivation existed, there was clearly no motivation to modify the door of Bradt to provide such internet function, as there is no door taught in Sokal et al, let alone a door having internet function taught in Sokal et al.

With regard to the method claims 114-130, there is no interaction between the Examiner's proposed combination of Bradt and Sokal between the vending functions of Bradt and the internet functions of Sokal et al. Method claims 114-126 (as amended) specifically provide an interaction between the vending function and the internet access function. For example, independent claim 114 specifies that "said purchase of said at least one item (selected by a customer for purchase) permits the customer to be operatively connectable via the Internet to websites." There is no such manipulative step taught or suggested by the Examiner's proposed combination of Bradt with Sokal et al, since Sokal et al is a stand-alone internet accessible machine which does not require the purchase of a vended item in order to access the internet. There is no teaching within the four corners of the references themselves and the Examiner has not suggested why one of ordinary skill in the art would have been motivated to combine the vending function of the Bradt et al machine so as to permit access to the internet to a customer purchasing the vended item. For the foregoing reasons, the proposed combination of Bradt et al with Sokal et al also fails to establish a *prima facie* case of obviousness for claims 114-126.

Reconsideration of the previous rejection of method claims 127-130 under the proposed combination of Bradt et al and Sokal et al is respectfully requested.

The Examiner has pointed to the specific teachings of Bradt et al to show that vending machines having certain configurations that are old in the art. This, *per se*, applicant does not dispute. However, the Examiner has not pointed to any reason within the four corners of the Bradt et al reference or the proposed Sokal et al reference, or indeed, any independent reason why one

having ordinary skill in the art at the time the invention was made would have been motivated to combine the Sokal et al stand-alone terminal with a vending machine, such as that of Bradt et al. At the time the invention was made, the concept of vending was a long and well established one, while that of internet access in a stand-alone terminal, such as is now provided in public places, was relatively new. However, the Examiner has failed in his identification of the motivation that would have compelled one of ordinary skill in the art at the time the invention was made to combine such functions, as they are disparate functions not necessarily obvious on their face to combine. For example, the mere fact that they can be combined does not make the combination obvious unless there was motivation for one skilled in the art at the time the invention was made to do so. Having failed to establish the motivation of one skilled in the art, the rejection must fail to establish a *prima facie* case of obviousness. Withdrawal of the rejection is, therefore, respectfully requested.

Reconsideration and withdrawal of the rejection of all claims relying on a combination of Bradt and Sokal as applied to the preceding claims in further view of secondary references is respectfully requested.

For example, the Examiner has combined, alternatively, Brown with Bradt et al in view of Sokal et al; or Small in view of Bradt et al and Sokal et al; or Brandes et al in view of Bradt et al and Sokal et al, but none of the secondary references correct the foregoing deficiencies inherent in the proposed combination of Bradt et al and Sokal et al. For the foregoing reasons, withdrawal of these rejections is also respectfully requested.

Reconsideration and withdrawal of the rejection of claims 114-122, 124-127, 129 and 130 under 35 U.S.C. §102(e) as being anticipated by Sokal et al (U.S. Patent 5,953,504) is respectfully requested.

As noted hereinabove, Sokal et al does not describe the method of providing internet access based upon "said purchase of said at least one item permits the customer to be connectable via the Internet to websites" as recited in independent claim 114. Rather, as disclosed in Sokal et al "a person approaching the terminal can enter funds or fees into the terminal by insertion of a credit card into the slot 30A or by insertion of paper money through the slot 31A or by insertion of coin money through the slots 32A" to receive internet access (See, column 4, lines 17-21). However, in the claimed method of claims 114-122, and 124-126, a purchase of a selected item is required before internet access to websites is provided. No such teaching is found in Sokal and, thus, Sokal cannot anticipate the claimed invention.

As to claims 127, 129 and 130, there is "no vending machine" in Sokal despite the Examiner's arguments to the contrary. While applicants do not dispute the Examiner's allegations that Sokal et al teaches allowing public access to the internet, the Examiner does not further address the limitations of claims 127, 129 and 130 as being deficient in Sokal, i.e., Sokal does not provide a vending machine, nor permit a customer access to the internet/worldwide web through interaction with said vending machine. Accordingly, the rejection fails to establish a case of anticipation under 35 U.S.C. 102(e) because the claimed features are clearly lacking in the Sokal et al teaching. Withdrawal of all rejections is, therefore, respectfully requested.

Reconsideration and withdrawal of the rejection of claim 123 under 35 U.S.C. §103(a) as being unpatentable over Sokal et al is respectfully requested in view of the comments in the foregoing paragraph.

As the Sokal et al reference is deficient in its teachings of its interaction between the vending function and the internet access, the proposed modification of Sokal as suggested in the paragraph bridging pages 14-15 of the Office Action would not correct the foregoing deficiencies in the teachings of Sokal. For the foregoing reasons, this rejection must also fail for the reasons set forth in the immediately preceding section. Withdrawal of the rejection is respectfully requested.

Reconsideration of the previous rejection of claims 114, 115, 117, 118, 122, 124, 125, 127, 129 and 130 under 35 U.S.C. §102(b) as being anticipated by Huegel (U.S. Patent 5,239,480) is respectfully requested.

As amended, each of method claims 114, 115, 117, 118, 122, 124 and 125 require not only that the vending machine dispense at least one item selected by a customer for purchase, but also that said purchase of said at least one item permits the customer to be connectable via the internet to websites. No such teaching can be found in Huegel, especially in a teaching of connection to websites. For the foregoing reasons, the rejection of this claim as allegedly anticipated under 35 U.S.C. §102(b) by Huegel must fail.

With regard to method claims 127, 129 and 130, there is also no teaching in Huegel of permitting a customer access to websites via the internet even if a "very broad definition of 'internet'" is presumed by the Examiner as stated in the Office Action. For the foregoing reasons,

Huegel could not of possibly acted as an anticipatory reference and withdrawal of the rejection is respectfully requested.

Reconsideration and withdrawal of the rejection of claims 114-118, 122, 124, 125, 126, 127 and 130 as allegedly anticipated by Mettke (U.S. Patent 5,602,905) under 35 U.S.C. §102(e) is respectfully requested.

As alleged by the Examiner, Mettke teaches vending internet services. However, with regard to claims 114-118, 122, 124, 125 and 126, such claims require a vending machine “to dispense at least one item selected by a customer for purchase” and, furthermore, that “said purchase of said at least one item permits the customer to be connectable via the Internet to websites.” Mettke does not provide the dispensing of a purchased item by a customer in combination with such purchase enabling the customer to be connectable via the Internet to websites. At best, Mettke et al teaches that it can provide internet services, but does not provide for the dispensing and purchase of an item as a prerequisite to such internet access. For the foregoing reasons, Mettke cannot possibly act as an anticipatory reference to these claims.

With regard to method claims 127 and 130, Mettke does not teach any “vending” except for the vending of internet services. For example, method claim 130 requires that the vending machine “dispense an article to be purchased by a consumer” and a service is not “an article” within any sense of 35 U.S.C. §102(e). Accordingly, Mettke cannot possibly anticipate the limitations of claim 130.

With regard to claim 127, although it is alleged that Mettke teaches vending of internet services, Mettke does not teach the limitation of claim 127, i.e., permitting a customer access to

websites on said internet/worldwide web. The commercial online service providers, Prodigy, Compuserve, America Online, Delfy, mentioned at column 1, lines 16-17, of Metke, at the time of Metke's disclosure (January 23, 1995), were not websites, but merely online databases. Thus, there is no teaching in Mettke of providing a customer access to websites as claimed in the claimed invention. Withdrawal of the rejection is, therefore, respectfully requested.

Reconsideration and withdrawal of the previous rejection of claims 114-118, 122, 124, 125, 127 and 130 under 35 U.S.C. §102(e) as being anticipated by Kohls (U.S. Patent 5,637,845) is respectfully requested in view of the following comments.

As noted hereinabove, method claims 114-118, 122, 124 and 125 all require the purchase of an item selected by the customer, wherein said purchase of said at least one item permits the customer to be connectable via the internet to websites. No such teaching is found in the Kohls disclosure.

Similarly, claims 127 and 130 permit customers access to websites, and while Kohls may permit a credit card authorization to be transmitted via a network, there is no teaching that Kohls discloses the steps of claim 130, i.e., dispensing an article to be purchased by a consumer while also permitting an interactive consumer accessible internet communication system to permit the consumer access to websites.

Similarly, Kohls does not teach a method of permitting a customer access to websites on the internet/worldwide web through interaction with a vending machine, but, at best, would permit a credit card transaction to be processed by a private network. Accordingly, none of the teachings of

Kohls can act as an anticipatory reference of the method claims 114-118, 122, 124, 125, 127 and 130. Withdrawal of the rejection is, therefore, respectfully requested.

Note is taken of the Examiner's position that the previous evidence submitted under 37 C.F.R. §1.131 has been ineffective to overcome the Brown, Small and Hill III references referred to in the Declaration.

Supplementing the preceding Declarations submitted under 37 C.F.R. §1.131 is a Supplemental Declaration of Dora Stroud, also submitted under 37 C.F.R. §1.131. Specifically, in paragraph 12a of this Supplemental Declaration, Declarant states that "at least as early as August 17, 1995," Mr. Satchell conveyed to Declarant "the claim of his application, reciting a vending machine, including a device to access the internet or worldwide web, incorporated, for example, in the door of the machine . . . the purchase of, for example, a soda, could be used to activate the device, which could also include a vide screen, stereo speakers, a satellite receiver antenna, cameras, a video recorder/playback machine, cassette dispenser, motion detectors, multiselection panels, and adapters in a door to permit internet or worldwide web access." Dora Stroud's corroboration of the inventor's conception of the invention, including a vending machine to provide access to the internet or worldwide web at least as early as August 17, 1995, antedates the October 10, 1995, filing date of the cited Sokal et al reference and, together with applicant's diligence in reducing his invention to practice (as set forth in the previous Declaration of record) removes the cited Sokal document as a reference under 35 U.S.C. §102. Accordingly, Sokal et al cannot be used in any rejection incorporating Sokal et al as a teaching reference whether under §102 and/or §103(a).

Having fully responded to the preceding Office Action, applicants respectfully request reconsideration and withdrawal of all rejections set forth therein and passage of the application to issue.

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689

TPP/mat
Attorney Docket No.: TPP 31333

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 408-5200 or (202) 408-5088

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ATTACHMENT I

3. (Currently Amended) The vending machine of claim 1, wherein said computer comprises software for selectively connecting said computer to a plurality of different internet sites, and being connected to said selector [means] device for automatically connecting said computer to a specific internet site in response to a selected item.

31. (Currently Amended) A door for retrofitting an existing vending machine for dispensing of at least one item selected by a customer, said door comprising:

a delivery port for dispensing said at least one item selected by a customer to the customer;
and

an access portal to the Internet on said door for interaction of the customer with the Internet.

32. (Currently Amended) A vending machine comprising the door of claim 31, said vending machine further including a storage unit for storing said at least one item for selection by a customer.

33. (Currently Amended) The vending machine of claim 32, wherein said door further comprises a dispensing mechanism for dispensing said at least one item[s].

37. (Currently Amended) The vending machine of claim 32, further comprising:
at least one mechanism selected from the group including data storage unit, programmable audio-video message storage unit, laser-disc, read-write CD-ROM, read only memory recording medium, magnetic media and diskette for storage of data and recording, storage and playback of audio and video signals,
wherein a customer is enabled respectively to upload and download audio and video signals from and to said mechanism to and from websites and home pages, and to send and receive data from and to said [audio-video] mechanism to and from other data transmitters or receivers.

63. (Currently Amended) The door for retrofitting an existing vending machine of claim 31, wherein said door further comprises means for two-way interactive communications by a customer with the [i]Internet.

69. (Currently Amended) The door for retrofitting an existing vending machine according to claim 31, wherein the door further comprises a programmable selection panel for [setting] selecting websites or home pages to transmit-receive data, music, video and audio and to provide visual and digital recording functions.

97. (Currently Amended) A combination of a computer and selector provided on a door for retrofitting an existing vending machine for dispensing at least one item selected for purchase

by a customer, wherein said computer is connected to and activated by said selector for connecting said computer to the Internet and conveying information from the Internet to a web site or homepage of a manufacturer of the item purchased, or the web site or homepage of an owner or operator of the vending machine.

110. (Currently Amended) The [A] door for retrofitting an existing vending machine of claim 31, further comprising an interface to a communication network to access an on-line computer service, wherein said service is capable of transmitting and receiving, via a communication network, a request for service by a customer and a response to said request.

114. A method of providing a customer with access to the Internet via a vending machine, said method comprising:

- 1.) providing a vending machine to dispense at least one item selected by a customer for purchase;
- 2.) [assembling a computer in the vending machine, said computer being] said purchase of said at least one item permits the customer to be operatively connectable [to] via the Internet [and] to websites;
- 3.) allowing access to the [Internet and] websites [to a] by said customer, said access comprising at least one of inserting money or credit card information into the vending machine and customer input of data to the computer.

124. The method of claim 114, where [said] a computer is assembled onto the vending machine and said computer also controls various components of the vending machine, in addition to internet access.

127. (Currently Amended) A method of attracting greater patronage to a vending machine, said method comprising:

providing a vending machine with a connection to the internet/worldwide web; and
permitting a customer [with] access to websites on said internet/worldwide web through interaction with said vending machine.

130. (Currently Amended) A method of manufacturing vending machines wherein a vending machine is provided to dispense an article to be purchased by a consumer, the improvement comprising incorporating an interactive consumer accessible internet communication system into the vending machine to permit the customer access to websites.